

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-00086-DOC-KES

Date: April 7, 2023

Title: THERESA BROOKE V. ORANGEWOOD HOTEL CORPORATION.

PRESENT: THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE

Karlen Dubon
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER GRANTING REQUEST FOR
DISMISSAL [38]**

Before the Court is Plaintiff Theresa Brooke’s Notice of Voluntary Dismissal. (“Notice”) (Dkt. 19). Defendant Artemis Convention Hotel LLC (“Defendant” or “Artemis”) filed an answer on February 28, 2023. (Dkt. 14).

“Once the defendant files an answer or a motion for summary judgment, the plaintiff may no longer voluntarily dismiss without a court order under Rule 41(a)(1), but must file a motion for voluntary dismissal under Rule 41(a)(2).” *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995). “In ruling on a motion for voluntary dismissal, the District Court must consider whether the defendant will suffer some plain legal prejudice as a result of the dismissal.” *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145 (9th Cir. 1982).

The Court interprets Plaintiff’s Notice as a request for voluntary dismissal pursuant to Rule 41(a)(2). As Defendant has not asserted any counterclaims, and Plaintiff’s dismissal is with prejudice, the Court finds that Defendant will not suffer any legal prejudice due to dismissal. The Court therefore **GRANTS** the request and **DISMISSES** this action **WITH PREJUDICE**.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: kdu